



1200 Park Road
Harrisonburg, Virginia 22802
February 28, 2006

Office of the President,
Loren E. Swartzendruber

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Martin:

This letter is in response to the August 2005 Federal Communications Commission order, published in October in the Federal Register, which seeks to extend the provisions of the 1994 Communications Assistance for Law Enforcement Act to institutions of higher education. The legislative intent of the law as originally crafted was to require telephone carriers to re-engineer telecommunications systems, thus enabling easier surveillance activities by appropriate federal authorities.

The costs for enacting the original law were to be borne by the telecommunications providers. I suspect that in the course of "business as usual" these costs were then passed on to consumers. And now, in a time of unprecedented decreases of real dollars for education both at the federal and state level, we understand that the Federal Communications Commission intends to expand the original intent of this law to "facilities-based Internet service providers," which would now include institutions of higher education and require them to bear the expensive burden of upgrading campus networks. This expansion of scope will be directed to a different group of entities than that assumed by the writers of the 1994 act, namely to non-profit and not-for-profit higher education institutions. These institutions are not in the same financial position as for-profit business and internet service providers. That is, it is not economically feasible for us to consider "passing those costs on to the consumers," our student body and their families, especially in light of federal government concerns about the cost of higher education.

Who will ultimately pay the multiple million dollar price tag for Virginia's institutions of higher education to comply with this unfunded and expansive mandate? From our perspective, Virginia's public and private college students, and their families, will experience additional, and possibly unacceptable, costs if we are required to finance this mandate. We ask our partners in the Federal government to be sensitive to rising higher education costs, or at least illustrate that the gains in surveillance at our institutions of higher education are worthy of such expensive measures. If such an illustration is forthcoming and compelling in demonstrating value to the country, then make provision to provide for full funding or at least significantly subsidizing the cost of implementing

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this new regulation. At the very least, careful study should be conducted prior to enactment to provide clear evidence of the need and the outcome of such an expansive measure. To implement such a measure in early 2007 would present a *huge* burden to the primary constituents of Eastern Mennonite University. On behalf of our students, their families, and our faculty and staff, I ask you to reconsider all relevant options that are in the best economic interests of our stakeholders.

Sincerely,

Loren E. Swartzendruber
President

CC: The Honorable George Allen
The Honorable John Warner
The Honorable Rick Boucher
The Honorable Eric Cantor
The Honorable Jo Ann Davis
The Honorable Thomas Davis III
The Honorable Thelma Drake
The Honorable Randy Forbes
The Honorable Virgil Goode, Jr.
The Honorable Bob Goodlatte
The Honorable James Moran
The Honorable Bobby Scott
The Honorable Frank Wolf
Dr. Robert Lambeth, President of the Council of Independent Colleges of Virginia
(CICV)
Presidents of CICV schools
Dr. Robert Andringa, President of the Council of Christian Colleges and Universities
(CCCU)